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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JUAN BERNARD BERNAL-MARQUEZ,)
)
Defendant.)

No. CR 07-0071 MHP

**~~[PROPOSED]~~ ORDER AND
STIPULATION CONTINUING STATUS
CONFERENCE AND EXCLUDING
TIME FROM APRIL 23, 2007, TO MAY
7, 2007 FROM THE SPEEDY TRIAL
ACT CALCULATION (18 U.S.C.
§ 3161(h)(8)(A))**

Status Conference Date: April 23, 2007

The parties appeared before the Court on March 8, 2007. At that time, this case was put over until April 23, 2007 for a status conference. After discussions, the parties request that the matter be continued to May 7, 2007 for a status conference, and stipulate as follows:

1. AUSA Frick will be unavailable on April 23, 2007, and will also be unavailable

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1 from that date through at least May 3, 2007, due to her attendance at a training seminar in
2 Columbia, South Carolina.

3 2. In addition, the parties continue to be involved in ongoing plea negotiations.
4 Defense counsel has also requested additional discovery – specifically, tapes of immigration
5 hearings. AUSA Frick has requested that the ICE agent locate those tapes, but they have not yet
6 been received.

7 3. The parties agree to an exclusion of time under the Speedy Trial Act, and the
8 defendant consents to that exclusion. Failure to grant the requested continuance would
9 unreasonably deny both government and defense counsel reasonable time necessary to obtain
10 documents relating to the defendant's prior immigration hearings, to prepare effectively, and to
11 conduct effective plea negotiations, and would disrupt continuity of counsel due to AUSA
12 Frick's unavailability from April 23, 2007 through at least May 3, 2007. See 18 U.S.C. §
13 3161(h)(8)(A) & (B)(iv).

14 4. Given these circumstances, the ends of justice served by excluding the period from
15 April 23, 2007 to May 7, 2007 outweigh the best interest of the public and the defendant in a
16 speedy trial. Id. § (h)(8)(A).

17 IT IS SO STIPULATED.

18
19 DATED: _____

/S/
ERIKA R. FRICK
Assistant United States Attorney

20
21
22 DATED: _____

/S/
STEVEN J. KOENINGER
Attorney for Juan Bernard Bernal-Marquez

23
24
25 **~~[PROPOSED]~~ ORDER**

26 With the agreement of the parties, and with the consent of the defendant, the Court enters
27 this order (1) scheduling a status conference on May 7, 2007, before the Honorable Marilyn Hall

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Patel; and (2) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(G), from 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: April 24, 2007

